



LOUISIANA LEGISLATIVE AUDITOR  
DARYL G. PURPERA, CPA, CFE

April 15, 2015

The Honorable Joseph A. Pitre, Mayor,  
and Members of the Board of Alderman  
Town of Washington  
405 North Washington Street  
Washington, Louisiana 70509

Dear Mayor Pitre and Aldermen:

As you are aware, my Investigative Audit staff visited the Town of Washington (Town) to assess certain financial matters. This letter briefly summarizes the results of our work. We stress the importance of addressing this issue and encourage you to consider our recommendations as you work to resolve the following:

### **Town Police Department Improperly Set Bail**

The Town was incorporated under the provisions of the Lawrason Act but adopted a Home Rule Charter (charter) in October 2010. The Town's charter specifically provides for a Mayor's Court with jurisdiction over all violations of municipal ordinances. According to the charter, the Mayor's Court shall follow the provisions and protocol directed under the Lawrason Act, which provides that the mayor shall have the power of a committing magistrate.<sup>1</sup> The Louisiana Code of Criminal Procedure specifies that magistrates have the authority to fix bail.<sup>2</sup> In addition, Attorney General Opinion No. 05-0029 states that "[a] Lawrason Act mayor presiding over a Mayor's Court has the authority and duty to let prisoners out of jail and/or bond them out of jail, not the Chief of Police."

According to Town Police Chief Ronelle Broussard, he instituted a policy of setting bail and collecting cash bonds from individuals arrested for driving with a suspended license or for possession of drug paraphernalia in March 2014. Under this policy, arrested individuals signed a form waiving their right to have the mayor set bail and consenting to the Town police department setting bail at \$100. Police department records indicate that bail was set for 13 individuals resulting in the collection of cash bonds totaling \$1,300 from March 2014 through October 2014. Based on Louisiana law and Attorney General Opinion 05-0029, Chief Broussard did not have authority to set bail for individuals arrested by the police department. By setting bail without legal authority, Chief Broussard may have violated state law.<sup>1,2</sup>

### **Cash Bonds Deposited In Bank Account Outside of Town Authority and Oversight**

Police department records indicate that the cash bonds collected by the police department were deposited into a savings account in the name of Chief Broussard and Town Police Sergeant Herman Peterson. These records indicate that funds totaling \$2,175 were deposited in the account from June 6, 2014, to December 1, 2014. Town officials were not notified of the collection of cash bonds. As a result, these collections were not included in the Town's budget or financial statements and were not subject to the authority or oversight of the Town.

The Honorable Joseph A. Pitre, Mayor,  
and Members of the Board of Alderman  
Town of Washington  
April 15, 2015  
Page 2


According to Chief Broussard, deposits into the account included cash bonds and collections for the police department's Christmas Ball. He added that cash withdrawn from the account was used for supplies and equipment for the police department and a \$400 loan he authorized to a police department employee. Chief Broussard could not provide documentation to fully support deposits into or expenditures from the account. Because of the lack of appropriate receipts and invoices, we could not confirm that all expenditures from this account were made in conformity with applicable laws and regulations.

The Town's charter provides that "Any matter or issue not addressed by this Charter shall be regulated by the Lawrason Act or by appropriate State Law." Since the charter does not address how cash bonds are to be collected, it appears that collection must conform to the requirements of the Lawrason Act, which provides, in part, that "The treasurer shall receive, safely keep, and pay out according to law, all monies belonging to the municipality."<sup>3</sup> As such, it appears that all cash bonds collected by police department personnel should have been deposited with the Town treasurer in accordance with state law. By depositing public funds into a bank account outside the authority and oversight of the Town, Chief Broussard may have violated state law<sup>3</sup> and the Town's charter. In addition, by loaning public funds to a police officer, Chief Broussard may have violated the Louisiana Constitution.<sup>4</sup>

As of the date of this report, the police department has discontinued the practice of setting bail and has repaid bond fees totaling \$400 to individuals who posted bail set by the police department. The police department is currently attempting to contact the remaining individuals that posted bail to either repay the cash bonds or have their bonds applied against fines imposed by the court.

We recommend that the Town develop written policies and procedures to ensure that bail is only set by the mayor or the magistrate of the Mayor's Court. We also recommend the Town develop written policies and procedures requiring that Town funds to be deposited with the Town treasurer in accordance with state law. Should you have any questions, please call Greg Clapinski or Gary Duty at (225) 339-3800.

Sincerely,



Daryl G. Purpera, CPA, CFE  
Legislative Auditor

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WASHINGTON 2015

The Honorable Joseph A. Pitre, Mayor,  
and Members of the Board of Alderman  
Town of Washington  
April 15, 2015  
Page 3

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<sup>1</sup> **Louisiana Revised Statute (La. R.S.) 33:441(C)(1)** states, “The mayor shall have the power of a committing magistrate.”

<sup>2</sup> **Louisiana Code of Criminal Procedure (La. C.Cr.P.) 333** provides, in part, that “[t]he following magistrates, throughout their several territorial jurisdictions, shall have authority to fix bail: ... (3) Mayor’s courts and traffic courts in criminal cases within their trial jurisdiction.

**La. C.Cr.P. 931(4)** provides, that “[m]agistrate’ means any judge, a justice of the peace, or a mayor of mayor’s court.”

<sup>3</sup> **La. R.S. 33:425** states, “The treasurer shall receive, safely keep, and pay out according to law, all monies belonging to the municipality. He shall keep accurate accounts of all receipts and disbursements, and shall make report, in writing to the mayor and board of aldermen, at each regular meeting, of the finances of the municipality; shall perform all other duties that may be prescribed by ordinance; and shall pay out money only on the warrant issued by the order of the mayor and board of aldermen.”

<sup>4</sup> **Louisiana Constitution Article VII, Section 14(A)** provides, in part, that “Prohibited Uses. Except as otherwise provided by this constitution , the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private.”